

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES BRADY, *et al.*,

No. C 08-177 SI

Plaintiffs,

**ORDER DIRECTING FURTHER  
BRIEFING RE: *SOLIS v. STATE OF  
WASHINGTON, DEP'T OF SOC. &  
HEALTH SERVS.***

v.

DELOITTE & TOUCHE LLP,

Defendant.

On September 12, 2011, plaintiffs filed a statement of recent decision regarding *Solis v. State of Washington Dep't of Soc. & Health Servs.*, \_\_ F.3d \_\_, 2011 WL 3966117 (9th Cir. Sept. 9, 2011). In *Solis*, the Ninth Circuit held that the defendant had not met its burden of showing that its social worker positions required "advanced knowledge customarily acquired by a prolonged course of specialized intellectual instruction," and thus that the social workers did not qualify for the "learned professional" exemption. *See generally id.*

As *Solis* was issued after the briefing on defendants' motion for decertification was completed, the parties have not had the opportunity to address *Solis*. The Court finds that briefing on *Solis* may be helpful to the determination of defendants' motion, and thus directs the parties to file supplemental briefs addressing the applicability of *Solis* to this case, including whether there are educational requirements for class members. The parties shall also state their position on whether the learned profession exemption can be litigated on a class basis, and what evidence would be required to determine whether class members qualify for this exemption.

The parties shall file simultaneous supplemental briefs of no more than 10 pages by **noon** on **September 23, 2011**, and optional reply briefs of no more than 5 pages by **noon** on **September 30**,

1 **2011.** The Court will hold a hearing on defendants' motion for decertification at **9:00 am** on **October**  
2 **7, 2011.** If the parties desire a longer briefing and hearing schedule, they shall meet and confer and file  
3 a stipulation and proposed order.

4  
5 **IT IS SO ORDERED.**

6  
7 Dated: September 15, 2011



SUSAN ILLSTON  
United States District Judge